

Additional Background

Analytical and Technical Support - Full and Open - PR-HQ-01-14977

Responsibilities under Federal Legislation (since 1986):

1. As a result of provisions under the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), also known as Title III of SARA the Agency is responsible for developing regulations and taking enforcement actions and in providing leadership, guidance, technical assistance, training, and information to State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs) established by governors to prepare for emergencies due to accidental releases of hazardous substances.

2. The Clean Air Act Amendments of 1990 include provisions on prevention of chemical accidents which greatly expand OSWER's existing prevention program. This existing program, under CERCLA authorities, includes programs for chemical safety audits and accidental release information. Under the provisions in the Clean Air Act Amendments, EPA, together with the Occupational Safety and Health Administration (OSHA), is required to develop regulations for chemical safety management. Facilities that have certain chemicals above specified threshold quantities are required to develop management systems and programs to identify and evaluate hazards and manage those hazards safely. A general duty provision is included, effective with passage of the Act, which requires facilities to operate safely. EPA has published regulations for the development of Risk Management Plans (RMP) by facilities, and developed guidance for compliance with these regulations. EPA is working with States, industry, and the spectrum of stakeholders in implementation of these regulations and the broader program of chemical accident prevention. The first RMPs were submitted to EPA in June 1999; EPA is in the process of reviewing and understanding the RMP data and determining whether regulatory or guidance modifications are necessary for future program effectiveness.

Concern has arisen about the potential threat of terrorism associated with public availability of the RMP information, particularly the off-site consequence analysis information required to be made public under the Clean Air Act Amendments of 1990. Congress enacted on August 5, 1999, the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act, which amends the Clean Air Act. This legislation initially removed from all but federal, state, and local emergency planners and qualified researchers access to portions of the RMP information. On August 4, 2000, EPA and the Department of Justice (DOJ) published regulations (FR Vol 65, No. 151) under the legislation which allow limited access to Offsite Consequence Analysis (OCA) information by the public through Reading Rooms and other means. This legislation imposes security considerations on the handling of the OCA information, and EPA has developed internal procedures and a Security Notice for this purpose.

The Clean Air Act Amendments also mandate the creation of a Chemical Safety and Hazard Investigation Board (Board) to investigate the causes of accidents and provide reports on these accidents, and to recommend steps to reduce the risk and hazards of chemical releases. The Board is similar in function to the National Transportation Safety Board. EPA provides limited technical support and actively coordinates with the Board on chemical accident investigation and prevention activities. EPA has a Memorandum of Understanding (MOU) with the Board for sharing information and collaboration on accident investigations and research efforts. As a result of hazard or accident investigations, the Board may make recommendations for action to EPA; EPA must respond within 180 days on whether, and what, actions will be taken. EPA also has its own authorities under the CAA to investigate chemical accidents to determine the root cause(s) and issue public reports containing recommendations for prevention of similar accidents. EPA has formed a Chemical Accident Investigation Team to conduct investigations of chemical accidental releases at fixed facilities. Under an MOU with OSHA, EPA and OSHA have committed to working jointly on investigations of certain incidents. It should be noted that OSWER also participates in accident investigations of chemical releases at fixed facilities under CERCLA. As a result of incidents and investigations, EPA issues "Alerts" to raise awareness by industry and others about particular chemical or process hazards to prevent future accidents.

3. The Oil Pollution Act (OPA) of 1990 includes national planning and preparedness provisions for oil spills. Under this statute, plans are to be developed by Federal entities, in cooperation with local and State representatives, and by facilities.

4. The Hazardous Materials Transportation Act (HMTA) includes funding grants to States for planning and hazardous materials (“hazmat”) training, as well as requiring the development of a national curriculum for training for responders. States must certify that they are complying with SARA Title III provisions to qualify for funding. OSWER works with the Department of Transportation (DOT) and other Federal agencies, as well as with States through EPA regional offices, in implementing this Act.

5. CEPPPO also is responsible for the Catastrophic Preparedness Planning Program (including EPA’s activities under the Stafford act and the Federal Response Plan), the Counter-terrorism Preparedness Program, the National Incident Coordination Team (NICT), the National Security Emergency Preparedness Program, the Agency’s Emergency Operations Center, and other special activities related to emergency management. These mechanisms are the means by which the Agency manages its role in nationally significant emergencies. CEPPPO activities related to these programs involve coordination of planning and response actions within the Agency, with other Federal agencies, international bodies, and other government and non-government entities in times of emergencies and activation of these entities. Examples of such emergency incidents are the Exxon Valdez oil spill in Alaska; the Loma Prieta earthquake in California; Hurricanes Hugo, Andrew and Marilyn; preparedness for the 2001 Summer Olympics, the 2002 Winter Olympics, Persian Gulf oil well fires and oil spills and special events such as the Summit of 8 and the NATO 50th Anniversary.

6. The National Response Team (NRT) is the policy and coordination body of the 16 Federal agencies having responsibility for various aspects of preparing for and responding to accidental releases of oil and hazardous materials. The NRT is chaired by EPA with management and staff support provided by OSWER. The NRT was established nearly 20 years ago to implement the National Oil and Hazardous Substances Contingency Plan (NCP), the Federal plan originally established under the Clean Water Act to respond to catastrophic oil spills. The NCP now sets forth the national plan for response to oil and hazardous material accidents as established by CERCLA and OPA. The Regional Response Teams (RRTs) are the corresponding Federal coordinating mechanisms at the regional level for these activities. (The NCP is published in 40CFR Part 300, September 15, 1994). The International Joint Response Teams (JRTs) are mechanisms in place between the U.S. and Mexico, and the U.S. and Canada, to plan for response to accidental releases of oil and hazardous materials at these borders. OSWER supports JRT activities, as well as a number of international initiatives directed to the preparedness for, response to, and prevention of chemical accidents.

7. CEPPPO also has a role in Counter-Terrorism (C-T) activities. Legislation entitled “Defense Against Weapons of Mass Destruction Act” (also known as Nunn-Lugar-Domenici), was designed to enhance the capability of the Federal government to prevent and respond to terrorist incidents involving weapons of mass destruction (nuclear, chemical, biological materials), and to take measures to improve the capabilities of State and local response agencies. Numerous Federal workgroups have been established to implement the various sections of this legislation. EPA, because of its existing authorities and programs, is a key player in this evolving program area.

Several Presidential Decision Directives (PDDs) specify a role for EPA in counter terrorism activities. PDD #39 assigned EPA the task of assisting the FBI during crisis management in threat assessments and determining the type of hazards associated with releases or potential releases of materials in a terrorist incident. EPA, as the lead agency for Hazardous Materials Response under Emergency Support Function (ESF) #10 of the Federal Response Plan, is also assigned to assist the Federal Emergency Management Agency, during consequence management with environmental monitoring, decontamination, and long-term site cleanup. PDD #62 reinforces our mission to enhance the nation’s capabilities to respond to terrorists events. PDD #63 which addresses the protection of America’s critical infrastructure, named EPA the lead agency for the Water Supply Sector. In the Nunn-Lugar-Domenici legislation, EPA was identified as one of the six key Federal agencies for assisting in the WMD training program for the nation’s first responders. PDD #67 requires accelerated Continuity of Operations Planning for Federal agencies. Also, on February 13, 2001, National Security Presidential Directive (NSPD#1) was issued and outlined the Organization of the National Security Council System which identified C-T and National

Preparedness as one of its priorities. In order to carry out this mission, CEPPO is responsible for enhancing inter- and intra-Agency coordination, identifying and setting C-T program priorities, performing planning and outreach efforts, developing and implementing exercise and training strategies, and providing guidance and policy support on C-T issues.

To address these responsibilities, CEPPO has developed a variety of electronic information tools. CAMEO (Computer-Aided Management of Emergency Operations), developed by EPA and the National Oceanic and Atmospheric Administration (NOAA) allows first responders and planners in the community and at the regional and State levels to manage information now available under EPCRA combined with digital mapping and information on more than 4,000 chemicals. LandView IV, developed by EPA and the Bureau of the Census, with NOAA, and distributed by Census, is an electronic atlas, developed initially to assist with mapping sites of environmental interest during the Mississippi floods of 1993 and now including reference information from several Federal agencies, allowing greatly enhanced access to government information at the community level. CAMEO and LandView IV assist stakeholders at all levels of government and industry in the implementation of activities associated with the preparedness for, prevention of, and response to chemical accidents. Tier II Submit, now under development, is an electronic system for preparing Tier II forms required under EPCRA for reporting under Section 312; RMP*Submit is an electronic system for preparing RMP reports required under CAA 112(r).

CEPPO makes information available over the Internet in a variety of ways. Increasingly, the CEPPO website (www.epa.gov/ceppo) is an important method of communicating with our various customers--averaging about 800,000 requests per month. We direct people to our home page to download necessary regulatory guidance documents, tip sheets, and up-to-the minute information. Industry and consultants use the website to download electronic tools such as Tier II Submit and RMP*Submit. The public and others can access the RMP*Info database, housed on EPA's Envirofacts Website, to review the RMPs submitted by facilities under CAA 112(r) for information about how facilities are preventing and preparing for chemical accidents. CEPPO also publishes a periodic list serve message to about 3,000 subscribers. As the Internet technology continues to evolve, CEPPO anticipates making use of new technologies to enhance accessibility, usability, and customer service.

Further information, including a list of publications and how to access them, is available through CEPPO's home page (<http://www.epa.gov/ceppo>).

General Statement:

While CEPPO supports the Superfund program through its preparedness and coordinating activities, its activities are not Superfund site-specific. Contractor support to the program shall not involve Superfund regulatory policy support. Draft materials, reports, or other such documents developed by the contractor in performance of this task will be reviewed, revised, and finalized by EPA. While the Contractor may be requested to provide options and recommendations to the Agency, EPA will make all final decisions and select the appropriate option to pursue. The Contractor shall incorporate all EPA comments and revisions into the final reports. Draft materials, reports, or other such documents developed by the contractor in performance of the contract SOW will be reviewed, revised, and finalized by EPA.